

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KENNETH VALENTINE AWE,

Petitioner,

ORDER

v.

14-cv-200-wmc

GRANT COUNTY COURT
OF WISCONSIN,

Respondent.

Petitioner Kenneth Valentine Awe filed a federal habeas corpus petition under 28 U.S.C. § 2254, challenging a felony conviction from Grant County, Wisconsin. He also sought relief from a detainer that has been lodged against him by state officials. On January 30, 2015, the court dismissed that petition, noting that any challenge to Awe's underlying conviction was barred by the governing statute of limitations. The court concluded further that Awe's challenge to the validity of his detainer has not yet been addressed by the Wisconsin Supreme Court and is unexhausted. Awe has now filed a motion for reconsideration from the dismissal order. The motion will be granted, in part, and denied, in part, for reasons set forth below.

Awe's motion for reconsideration is construed as one seeking to alter or amend the judgment under Fed. R. Civ. P. 59(e). To prevail on a motion under Rule 59(e), the moving party must identify an error of law that merits reconsideration of the judgment. *See Obriecht v. Raemisch*, 517 F.3d 489, 494 (7th Cir. 2008); *Sigsworth v. City of Aurora, Ill.*, 487 F.3d 506, 511-12 (7th Cir. 2007). Awe does not show that the dismissal order was entered in error. Because he does not show that he is entitled to relief from the judgment

of dismissal, his motion under Rule 59(e) will be denied.

Awe correctly notes, however, that the judgment entered by the clerk of court identifies the wrong party as the respondent. Pursuant to Fed. R. Civ. P. 60(a), a court may correct a clerical mistake whenever one is found in a judgment, order, or other part of the record. To the extent that Awe seeks to correct a clerical error in the judgment, his motion will be granted and the clerk's office will be directed to enter an amended judgment reflecting the correct name of the respondent in this case.

ORDER

IT IS ORDERED that:

1. Petitioner Kenneth Valentine Awe's motion for reconsideration under Fed. R. Civ. P. 59(e) (dkt. #8) is DENIED.
2. Awe's motion to correct a clerical error in the judgment under Fed. R. Civ. P. 60(a) is GRANTED.
3. The judgment entered on January 30, 2015 (dkt. # 9) is VACATED. The clerk of court is directed to enter an amended judgment reflecting the correct name of the respondent.
4. No certificate of appealability will issue from this decision.

Entered this 13th day of February, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge